

To: Renata Hesse	From: Kevin Walsh
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Phone:	Date: 12/14/2001
Re: Microsoft Settlement	CC:

I believe that the proposed Microsoft settlement is a travesty of justice.

The settlement does not address any of the pertinent issues such as:

The specifications of Microsoft's present and future document file formats
Microsoft's networking protocols
Microsoft's operating system monopoly

I propose that at least the following recommendations be taken into account

- Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.
- The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of "hooks" that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.
- Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing *de facto* control of the Internet.

I then point out that if the national interest is at issue, as I believe it is and as the judge has suggested it is, it is crucial that Microsoft's operating system monopoly not be extended, and in this I quote the study released a year ago by the highly respected Center for Strategic and International Studies, which pointed out that the use of Microsoft software actually poses a national security risk. In closing, I say that all are surely in agreement that the resolution of this case is of great importance, not just now but for many years to come. This suggests a careful and deliberate penalty is far more important to the health of the nation than is a hasty one.

Thank you,

Kevin C. Walsh